

BEAVERTON POLICE DEPARTMENT

GENERAL ORDER

NUMBER: 6.04.00
SUBJECT: DISCHARGE OF FIREARM REPORT AND INVESTIGATION
EFFECTIVE: MARCH 14, 2003
REVIEW: MARCH 2005

1. POLICY. The department will investigate all incidents in which an officer discharges a firearm while acting in the capacity of an employee, except:

- A. The discharge of firearms at an approved range target practice or organized shooting matches, or firearm examinations in the furtherance of an investigation;
- B. The discharge of a firearm for the purpose of killing a dangerous or injured animal as authorized by this directive (officers shall complete a written report to document incidents of this nature); and
- C. At the discretion of the Chief of Police, where an outside agency may be requested to assist or conduct a firearms investigation.

2. INVOLVED OFFICERS RESPONSIBILITIES.

A. Discharges Within the City. Whenever an officer discharges his/her firearm accidentally or intentionally, either on or off-duty within the city (except under circumstances which are not subject to investigation as defined in General Order "USE OF DEADLY PHYSICAL FORCE" - "Other Authorized Uses of Firearms"), the officer shall within the context of proper tactics immediately:

- 1) Notify the immediate supervisor and the dispatch center of the incident and location;
- 2) Determine the physical condition of any injured person, render first aid when appropriate, and request any necessary emergency medical aid;
- 3) Protect the scene, save evidence, and protect the weapons for appropriate examination.
 - a. In any officer involved shooting, it is important that all ammunition casings and the officer's firearm be taken for examination as evidence. Evidence taken at the scene of or following the shooting incident may also include, but is not limited to, powder residue from the officer's body, the officer's clothing and entire duty

belt, and body fluids. Such evidence could prove critical if the officer and the department are later subject to criticism or litigation, since the physical evidence may tend to corroborate an account of how the incident occurred. The officer's property will be replaced as soon as practical. Unless a reasonable expectation exists that evidence would be lost, an officer's firearm will not be taken until a suitable replacement, which the officer is qualified to use, is provided to the officer at the time of taking.

- 4) Officers directly involved in a significant incident, resulting in an injury or death of a human being, as a result of the use of deadly physical force, will provide a recorded statement to an investigator assigned to investigate the incident. Witnessing officers will complete a written report or provide a recorded statement to an investigator assigned to investigate the incident. Unless notified otherwise, all written reports are due within 72 hours of the incident (unless injured; then the written report shall be completed as soon as practical).
 - a. In most instances, tape recorded interviews with the involved member(s) should not be conducted within the first 24 hours following the incident.
 - b. Prior to providing a recorded statement or completing a written report, the member will be provided the time to discuss the incident with a labor association representative or private attorney, if they so choose.
- 5) Officers directly involved in a shooting will not be interviewed until they have had the opportunity to consult with a labor association representative or private attorney. An exception may be made in the event that immediate information is needed to aid in the apprehension of a suspect, to prevent the destruction of evidence, or to prevent the threat of harm to other people. In those instances, only information sufficient to meet those objectives will be obtained from officers directly involved in a shooting.
- 6) All other involved officers shall also complete written reports of the incident, as directed by a supervisor or investigator. Reports will contain information regarding the weapons involved, number of shots fired, persons involved, injuries or damage, names of witnesses, and other pertinent information. The report should specifically state the facts and circumstances of the incident and the observations, apprehensions, underlying details, information and beliefs of the officer, which justify the shooting. Unless notified otherwise, all written reports are due within 72 hours of the incident (unless injured, then the written report shall be completed as soon as practical).
- 7) The officer involved should not discuss the case with anyone except supervisory personnel, assigned investigative personnel, and/or legal representation until the investigation is completed. Thereafter, it is advisable to limit discussion to those who can be supportive of the officer during the time of personal trauma and adjustment such as a chaplain, psychiatrist, psychologist, immediate family members or close friends including other police officers who have been involved in

similar incidents. All officers are encouraged to seek professional help in this period of adjustment, which may extend for a prolonged period of time. Refer to the general order defining Employee Assistance Programs.

B. Discharges Outside the City. Officers who discharge firearms outside the jurisdiction, either on or off-duty, accidentally or intentionally (except under circumstances which are not subject to investigation as defined in General Order 6.03.00 under “Other Authorized Uses of Firearms”, or for hunting or target shooting), shall within the context of proper tactics immediately:

- 1) Notify the law enforcement agency having jurisdiction and the on duty supervisor at the Beaverton Police Department; and
- 2) Complete reports as directed by the Beaverton Police Department supervisor.
- 3) The investigation will be conducted by the jurisdiction of occurrence, unless that jurisdiction requests that the Beaverton Police Department investigate. If the Beaverton Police Department is asked to investigate, the conditions of this General Order Section 2 (A) and Section 3 (A) will apply.

3. SUPERVISOR RESPONSIBILITIES.

A. Discharges Inside the City. Supervisors shall be responsible for preservation of the scene. Investigators shall complete the investigation of the incident, including the protection of the scene and all evidence. When possible, an investigator may obtain a brief verbal explanation of what occurred from involved officers in order to be able to guide the on-scene investigation. As soon as practicable after the use of deadly force has occurred, the supervisor shall:

- 1) Determine the condition of all involved members (including witnesses). If ambulance transport is required, ensure that an uninvolved member is assigned to accompany the injured member to the hospital (in the ambulance). If an involved member is injured, requires treatment but does not require ambulance transport, an uninvolved member should be assigned to transport the involved member to an appropriate facility.
- 2) Notify or cause to be notified, the CID sergeant, members of the command staff who are responsible for the involved member’s division, the public information officer, the District Attorney’s Office, and the Chief of Police.
- 3) Notify or cause to be notified, a representative of the appropriate labor association that an officer-involved use of deadly force has occurred. Notify the involved members that they have the right to have an association representative present through all stages of this process.

- 4) Instruct the involved members and witness members to avoid discussion of the incident amongst themselves or with any other person, except their immediate on scene supervisor, an association representative or private attorney, prior to being interviewed by an investigator.
 - 5) Ensure that the involved member and witness members' weapons and ammunition are examined and the condition of the weapons and the ammunition is documented before they are released from the scene. The examination will include counting the number of rounds remaining in the weapon and the number of rounds in all magazines and/or ammunition pouches. The weapons, will be later retained by an investigator for processing.
 - 6) Unless injured, do not release involved members and witness members from the scene without the approval of an investigator assigned to the scene. Approval may be obtained for members to wait at a nearby site as an alternative to waiting at the scene. This approval may be obtained by contacting an investigator assigned to the scene by telephone or radio. The member will not be held at the scene any longer than is necessary.
 - 7) Assign an uninvolved member to drive each involved member. Witness members may drive themselves. Whenever practical, each involved member and witness member should be transported in a separate vehicle.
 - 8) Upon release from the scene, unless directed otherwise by an investigator assigned to the scene, instruct the involved members, witness members, and drivers to proceed to a designated area at the Beaverton Police Department.
 - 9) Instruct members and witness members to remain at the designated area at the Beaverton Police Department until instructed otherwise or released from duty, with the approval of the investigator assigned to investigate the incident.
 - 10) Prior to going off-duty, the supervisor shall complete a written report that details the supervisor's actions upon arrival at the scene. Copies of the supervisor's written report shall be submitted to:
 - a. The Chief of Police;
 - b. The assigned investigators; and
 - c. The Firearms Incident Review Board.
- B. Discharges Outside the City. Supervisors who are notified of officers who discharge firearms outside the jurisdiction either on or off-duty, accidentally or intentionally (except under circumstances which are not subject to investigation as defined in General Order 6.03.00 under "Other Authorized Uses of Firearms", or for hunting or target shooting), shall:

- 1) Assure that notifications of persons listed in section 3 (A) (2) (3) of this General Order are accomplished.
 - 2) Report to the scene of the incident if it has occurred in Multnomah, Washington, Clackamas counties or Clark County, Washington, which may necessitate that another supervisor be called in to cover the road.
 - 3) The supervisor will act as the department's liaison to the investigating agency and will assure that appropriate support is provided to the involved member.
4. RESPONSIBILITIES OF THE CHIEF OF POLICE OR THE DESIGNEE.
- A. Administrative Leave. The Chief of Police or designee shall place on "administrative leave" any officer directly involved in a shooting. This leave shall be without loss of pay or benefits pending the results of the investigation. The assignment to administrative leave shall not be interpreted to imply or indicate that the officer has acted improperly. While on administrative leave, the officer shall remain available for department interviews and statements regarding the incident and shall be subject to recall to duty at any time.
 - B. Order an Investigation. The Chief of Police shall designate an officer to investigate the incident.
 - 1) The investigator(s) may be appointed from qualified personnel within the department, or the Chief of Police may exercise discretion and request that an outside agency assist or conduct the investigation.
 - 2) The purpose of the investigation will be to determine whether the officer adhered to state law and department policy in discharging the firearm.
 - 3) Copies of the investigation report shall be submitted to the Chief of Police and the Firearms Incident Review Board.
 - C. Review the Investigation. Upon completion of the investigation, the Chief of Police may:
 - 1) Commend or honor the officer for their actions;
 - 2) Discipline the officer pursuant to general orders when the facts available clearly indicate that the officer may be guilty of misconduct, negligence, or recklessness in the use of or discharge of a firearm;
 - 3) Retain the officer on administrative leave pending a final determination by the Firearms Incident Review Board, as provided by general order;
 - 4) Direct further investigation;

- 5) Return the officer to regular duty; or,
- 6) Retain the officer on administrative leave for the benefit of the officer.

Chief of Police

Date